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|--|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/560,491   | 06/09/2006  | Michiyo Yanase       | YAMAP0997US         | 9721             |
| 43/076 7590 06/08/2009<br>MARK D. SARALINO (GENERAL)<br>RENNER, OTTO, BOISSELLE & SKLAR, LLP<br>1621 EUCLID AVENUE, NINETEENTH FLOOR<br>CLEVELAND, OH 44115-2191 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| SAIDHA, TEKCHAND   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 1652   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 06/08/2009   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Supplemental  
Notice of Allowability**

**Application No.**

10/560,491

**Examiner**

Tekchand Saidha

**Applicant(s)**

YANASE ET AL.

**Art Unit**

1652

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 4, 2009.
2. ☒ The allowed claim(s) is/are 1,4,5,7,8,16-19 and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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**Supplemental Examiner's Amendment/Notice of Allowability**

1. During a telephone interview on June 4, 2009 Applicants' representative Heidi A. Boehlefeld discussed inclusion of residue 1-916 to the sequence of SEQ ID NO: 2 in claim 1 & 34. The subject matter is considered in the light of the prior interview. Claims 1 & 34 have been amended to reflect this inclusion.

Amendment After-Final filed on 4/21/2009, in reply to Final Office Action mailed 2/26/2009 is acknowledged.

2. Claims 1, 4-5, 7-8, 16-19 & 34 are present and under consideration in this application.
3. Claims 1, 4-5, 7-8, 16-19 & 34 are allowed, subject to the following Examiner's Amendment.
4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Heidi A. Boehlefeld on May 5, 2009 & June 4, 2009.

**Amend claims as follows:**

Claim 1, delete lines 15 & 16, which read as "wherein the natural  $\alpha$ -glucan phosphorylase has an amino acid sequence which is at least 50% identical to the sequence of SEQ ID NO: 2 (residues 1-916);".

Claim 1, line 19, after the words " $\alpha$ -glucan phosphorylase", insert "of SEQ ID NO: 2 (residues 1-916)".

Claim 7, line 2, after 'wherein' delete 'an' and replace with 'the'.

Claim 34, delete lines 15 & 16, which read as "wherein the natural  $\alpha$ -glucan phosphorylase has an amino acid sequence which is at least 50% identical to the sequence of SEQ ID NO: 2 (residues 1-916);".

Claim 34, line 19, after the words "α-glucan phosphorylase", insert "of SEQ ID NO: 2 (residues 1-916)".

5. The following is an examiner's statement of reasons for allowance:

Applicants' arguments filed 4/21/2009 were found to be persuasive in view of claim amendment(s) made by the Applicants as well as Examiner's amendment(s) present here. The allowed claims are described, unobvious and patentable.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tekchand Saidha whose telephone number is (571) 272 0940. The examiner can normally be reached on 8.30 am - 5.00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat T. Nashed can be reached on (571) 272 0934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tekchand Saidha/  
Primary Examiner, Art Unit 1652  
Recombinant Enzymes, 02A65 Remsen Bld.  
400 Dulany Street, Alexandria, VA 22314  
Telephone: (571) 272-0940  
June 4, 2009